

- A1
12. A peptide conjugate of claim 8 wherein said Th has an amino acid sequence selected from the group consisting of SEQ ID NOS: 9-12 and SEQ ID NOS: 60-82 and 89.
13. A peptide conjugate of claim 9 wherein said Th has an amino acid sequence selected from the group consisting of SEQ ID NOS: 9-12 and SEQ ID NOS: [61] 60-82 and [84] 89.

REMARKS

Claims 10-13 have been amended to properly claim the Th epitopes disclosed. Support for the amendment is found in the specification on page 79, Table 5 and page 80, Table 6. No new matter is entered hereby. Entry of the amendment is requested.

RESPONSE

The Examiner has required restriction of the claims to 60 different inventions even though there are only 28 claims in the application. Apparently, it is the contention of the Examiner that each claimed sequence and permutations thereof is a different invention. The Examiner contends that the claims do not define inventions that are linked to form a single general inventive concept. Reconsideration of the requirement is requested.

The requirement is traversed for the following reasons:

Firstly, a single general inventive concept is presented by this application. The concept is that there is an epitope in IgE-CH3 domain which is useful when conjugated to a promiscuous Th epitope to generate antibodies against IgE for the treatment of allergies. The epitope is defined by SEQ ID NO:5. Analogues of SEQ ID NO:5 were also presented. These are SEQ ID NO: 6, 7, 8 and 84. A comparison of the sequences for SEQ ID NOs: 5, 6, 7, 8 and 84 is presented below to show that they are analogues of each other.

<u>SEQ ID NO:5</u>	CGETYQSRVTHPHLPRALMRSTTKC
<u>SEQ ID NO:6</u>	CGETYYSRVTHPHLPKDIVRSIAKC
<u>SEQ ID NO:7</u>	CGEGYQSRVDHPHF P KPIVRSITKC
<u>SEQ ID NO:8</u>	CGYGYQSIVDRPDPFKPIVRSITLC
<u>SEQ ID NO:84</u>	CGETYKSTVSHPDLPREVVR S IAKC

A further comparison of these sequences will show that they correspond with a part of IgE-CH3 that is modified from humans, dog, rat, mouse and horse. See Table 1 on page 67 of the specification. These five sequences are then respectively conjugated to a promiscuous Th epitope selected from the group consisting of SEQ ID NOs: 9-12, 60-82 and 89 disclosed and set forth on Tables 5 and 6. The conjugated product may further be conjugated with an invasin domain to further improve the immunoresponse, i.e. to increase the titer of the antibodies to IgE elicited for more effective treatment of allergies. Thus, the invention claimed and described is directed to a general inventive concept.

Secondly, under the patent law, it is necessary to present examples of permutations of the claimed IgE-CH3 epitope to obtain proper scope of protection for the invention and to satisfy the enablement requirement under Section 112. If every permutation of a peptide sequence is regarded as a different invention, it would be wrong. Moreover, it would be overly burdensome for the Applicants to file 60 different applications for the different permutations that the Applicants have taught and described.

Thirdly, as presently framed, it is impossible for the Applicant to make an election. It is as if each of an alkane must be claimed separately as methane, ethane, propane, butane, etc. In the peptide area, the 20 amino acids are the building blocks of a peptide just like the elements, carbon, hydrogen, oxygen, nitrogen, etc. are the building blocks for compounds. Not every permutation in a compound defines a separate invention. Just like chemical compounds whose structures define functions, peptides define the biological functions. A B cell epitope may provoke the body to produce antibodies against attack by a specific antigen, a

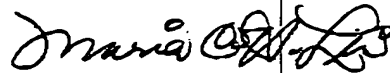
Th epitope presents a B-cell epitop from an antigen to B cells which are provoked to produc antibodies against the antigen.

Applicants request withdrawal of the restriction requirement.

Applicants' attorney had called the Examiner to discuss the restriction requirement. The Examiner indicated that if a showing is made that SEQ ID NOs: 5-8 and 84 are analogues of each other, then the restriction requirement will most probably be withdrawn.

The present response is submitted by facsimile to avoid the problems with the postal system.

Respectfully submitted,



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APPENDIX**Marked-up Version of Amendment**

10. A peptide conjugate of any one of claims 4-6 wherein said Th has an amino acid sequence selected from the group consisting of SEQ ID NOS: 9-12 and SEQ ID NOS: [61] 60-82 and [84] 89.
11. A peptide conjugate of claim 7 wherein said Th has an amino acid sequence selected from the group consisting of SEQ ID NOS: 9-12 and SEQ ID NOS: [61] 60-82 and [84] 89.
12. A peptide conjugate of claim 8 wherein said Th has an amino acid sequence selected from the group consisting of SEQ ID NOS: 9-12 and SEQ ID NOS: [61] 60-82 and [84] 89.
13. A peptide conjugate of claim 9 wherein said Th has an amino acid sequence selected from the group consisting of SEQ ID NOS: 9-12 and SEQ ID NOS: [61] 60-82 and [84] 89.